California Transportation Conformity Working Group

Thursday, September 22, 2005 10:30 am - 3:30 pm

Southern California Association of Governments (SCAG) 818 W. Seventh Street, 12th Floor (Main Office) Los Angeles, CA 90017 Tel: (213) 236-1800 Fax: (213) 236-1825

MEETING NOTES

10:30 Welcome; introductions; housekeeping; agenda review *No substantial agenda changes*.

10:40 Public Comment on items not otherwise on the agenda *No comments*.

10:50 FHWA Updates

- Followup items from May meeting (Steve Luxenberg)
 - Resolution of FSTIP issues; Stanislaus lockdown has been resolved. They have amended the problem project back into TIP/Plan, and are also working on a SIP amendment. *Question*: Is Caltrans doing a comparison of proposed state budget to projects? Cathy Gomes will check.
 - Staff assignments list on FHWA-CA web site under planning.
 - Conformity checklists The checklists are on the Caltrans web site for the Statewide Conformity Working Group (CWG). Please feel free to use them. FHWA uses them for review of documents. The lists are not all-inclusive but hit the major points of the conformity rule. The rural checklist is also completed and located on the CWG web site. FHWA is drafting a checklist for relying on a previous emissions analysis. FHWA asked MPOs if that would be worth having – reply: Yes.
 - **Tahoe status** (conformity determination done 9/05!) The conformity determination was signed 9/9/05.
 - o **TIP amendment table** Comments were due in July. FHWA got a few comments, they seemed minor and will be addressed.
- **TEA-21 Reauthorization (Steve)** highlights from FHWA summary tables. Steve can send out link to the summary tables.
 - Planning 3 C's still apply for transportation planning. Plan and TIP still remain separate documents. A 4 year update cycle will apply once all of the SAFETEA-LU requirements are met. Congestion Management System requirements still apply. Additional consultation is now required. MPOs will need to develop participation plans with all parties (including disabled, disadvantaged participants). July 1, 2007 deadline to meet SAFETEA-LU requirements. Can go to 4-year cycle early if you can meet all SAFETEA-LU requirements early. Operational and management strategies must now be included in

- transportation plans. State TIP must now have an annual list of projects. *Question* Is there already a compact for bi-state MPOs in Tahoe? Will it need to be changed? Steve: not sure, we'll need to look at it and determine that.
- Conformity (section 6011) The 4 year cycle might be implemented sooner than the 4-year planning cycle. You must re-determine conformity within 2 years of new emission budgets (rather than 18 months).
 - Optional system for 10-year conformity determinations: Must still include last year of transportation plan in analysis (informational) but otherwise must include the longest of 3 options (10 years, year of regionally significant project, last year with an emission budget). If you can't meet the budget in the horizon year, you must show that you meet the budget in the next conformity analysis as an official analysis year. Maintenance areas in 2nd 10-year plan only need to analysis conformity to the end of the second 10-year period.
 - You can replace TCMs without a formal SIP amendment. The substitute must achieve equivalent emissions; you still need concurrence from the state and EPA. (*Chair note*: Process is procedurally similar to SIP amendment, but without EPA SIP approval and Fed. Register publication step.)
 - Conformity SIPs only consultation and enforceability provisions are now required.
 - A conformity lapse will not occur until 12 months after a normal deadline is passed. However, you must still meet the planning requirements, which may render the conformity provision moot.
 - New conformity regulations will come out within 2 years from EPA
- CMAQ Expanded the project eligibility criteria diesel retrofits, nonroad equipment, truck stop electrification, etc. added. EPA will publish diesel retrofit guidance (unknown when).
 - Questions: When will we know our allocations? Cathy Gomes (Caltrans) –those were released a month ago (Chair: link will be posted on Conformity Working Group web site General Announcements section). Question: retrofits: does that include larger intercity busses (e.g. Greyhound for Yosemite busses) FHWA- yes doing that now. CARB There may also be state program money. Note that the construction equipment retrofit program and guidance is not a top priority mandate from Congress.
 - Question: Is cost effectiveness also not a requirement/priority?
 Correct, project selection is still a local decision, and cost-effectiveness is a criterion.

- Question: We'd like to see the guidance address keeping retrofits in the local area. Caltrans (Cathy Gomes) it's already part of our guidance to include agreements with project sponsors. Example can be made available.
- Financial Constraint Guidance Memo (Jean) July 2005, FHWA felt that they needed to put out this guidance due to questions from Earth Justice regarding a MPOs financial reporting. The guidance included five pieces, guidance, statutory references, Q&A, sample worksheets. FHWA feels that the guidance is consistent with current practice in California. There are a few areas that we need to examine for improvement: (1) advanced approval of construction projects. need to be documented twice in TIP process; (2) cost estimates for transportation projects; (3) better estimates of operation and maintenance. For the short term FHWA will focus on state system of projects.
- PM2.5 Conformity Workshop Recap (Jean) (Week before the conformity working group meeting, and mostly attended by SCAG and San Joaquin Valley MPOs). Training was based on EPA workshops in rest of the country, though some material was cut. Included discussion of SAFETEA-LU changes. The primary discussion was about calculating the annual PM2.5 emissions using EMFAC. Specifically –what transportation activity data do we have (annual, variations)? There was some discussion of future hotspot analysis requirements. EPA isn't due to release hotspot analysis guidance until March 2006. Any project that needs an approval after 2006 date will have to address PM2.5 hotspot requirement. Projects that already have NEPA documents need add analysis before approval for construction funding CT & FHWA need to work with MPOs to get that message out to project sponsors.
- FHWA/Caltrans/UCD Qualitative PM10 Hot Spot procedure (Bob O'Loughlin) –conformity rule allows for alternative methods for hotspot procedures. Example: CO Protocol. PM10 different: until EPA releases quantitative analysis requirements, a qualitative approach is needed. FHWA/EPA released qualitative analysis guidance in 2001. Caltrans/FHWA have been working on streamlined approach –have now addressed all comments. *Question/Comment*: More EPA comments are coming. The technical approach is already being used.
 - Question: could it be used for PM2.5 Caltrans: we need to see what EPA will require first.

11:20 US EPA Updates

- Followup items from May meeting
 - o Imperial County (David) -. Final rule bumping the area up to Serious was issued on August 11, 2004 (effective Sept. 10, 2004) meeting the court order. At the same time, a proposed rule was issued finding that Imperial failed to attain on the serious area schedule and proposing that the SIP be due one year from final & effective action). That rule when finalized will set a date for the SIP. EPA is drafting

that rule, will be out in the next several months. No sanction clocks are running based on the 2004 Final Rule.

- **EPA SIP Actions** (emission budget adequacy, approvals, sanctions clocks, etc.)
 - <u>CO Maintenance SIP</u> for California (Toby) A direct final notice will be published in a couple of months that will include a 60 day comment period. Budget adequacy should be effective around the end of December. The plan includes 2003, 2010 and 2018 budgets. This SIP is for the 2nd 10-year Maintenance Period statewide EXCEPT South Coast.
 - South Coast / Coachella PM10 plan The final approval notice should get published soon (2-4 weeks). (signed last Friday and mailed to FR office on Monday). There were no comments on the budget approval.
- Maintenance SIPs for 8-hour ozone attainment/unclassified areas This is a CMAQ issue. Projects in areas that were maintenance for 1 hour and are attainment for 8 hour (Santa Barbara & Monterey) are still eligible for CMAQ \$, however the areas are not included in the allocation formula (similar to PM10 areas). Since CA-regulations follow federal formulae it's unlikely that the areas will continue to get CMAQ \$ unless CA state regulations are changed.
- Upcoming Conformity/Transportation issues
 - o 8 hr ozone (John) Phase 2 implementation rule is still at OMB
 - o **PM2.5** (Karina / Eleanor)

Hotspot rule: In a proposed settlement, published on September 8 in FR, EPA commits to take final action amending its transportation conformity regulations to address PM2.5 hotspot issues and to do so no later than March 31, 2006. Environmental Defense, the Natural Resources Defense Council, the Sierra Club and the Transportation Solutions Defense and Education Fund sued EPA in August 2004 challenging EPA's amendments to the transportation conformity regulations to address the new 8-hour ozone and PM2.5 standards. Written comments on the settlement must be received by EPA by October 11, 2005. [For further information: 70 Federal Register 53358]

Implementation Rule: On September 8, 2005, the Environmental Protection Agency (EPA) proposed the implementation rule for PM2.5. Extensions: States must meet the PM 2.5 standard by 2010. However, in their 2008 implementation plans, states may propose an attainment date extension for up to five years. Those areas for which EPA approves an extension must achieve clean air as soon as possible, but no later than 2015. The proposed rule includes:

• Attainment demonstrations and modeling -- The Clean Air Act requires implementation plans for most nonattainment areas to demonstrate that the area will attain the fine particle standards as expeditiously as practicable and within the Act's deadlines. The proposed rule would provide the timing and guidelines for states on this requirement and identifies the modeling guidance available to make the demonstration.

- Reasonably available control measures (RACM) -- For each nonattainment area required to submit an attainment demonstration, the Clean Air Act requires the state to demonstrate that it has adopted all control measures necessary to show that it will attain the fine particle standards as expeditiously as practicable. The Act also requires them to show reasonable further progress towards attaining the standard. The proposed rule would require implementation plans to address this requirement.
- Reasonably available control technology (RACT) -- The Clean Air Act requires implementation plans for nonattainment areas to require emission controls that are economically and technologically feasible. Emissions control technologies that meet these criteria are known as "RACT". The proposed rule would set forth guidelines for making RACT determinations in fine particle nonattainment areas.
- Policy on PM2.5 and precursors -- The proposed rule identifies pollutants to be controlled: PM2.5 direct emissions must be addressed in all nonattainment areas. Sulfur dioxide must be addressed in all nonattainment areas. Nitrogen oxides (NOx) must be addressed in all areas unless the state or EPA demonstrates that NOx is not a significant contributor in a specific area. Volatile organic compounds and ammonia would not be required to be addressed in all areas, but may be addressed if the state or EPA demonstrates that either compound is a significant contributor.
- New source review (NSR) requirements -- To clarify how the NSR requirements are to be implemented for fine particles, EPA is proposing to add provisions to four regulations that govern preconstruction permitting of major stationary sources. These rules focus on the:
 - 1. implementation plan requirements for major new or modified sources in attainment or unclassifiable areas;
 - 2. implementation plan requirements for addressing major new or modified sources in nonattainment areas and sources located in attainment or unclassifiable areas that would impact a nonattainment area;
 - 3. the federal implementation plan for areas lacking an approved implementation program to regulate construction or modification of major stationary sources in an attainment or unclassifiable area.
 - 4. .provisions for issuing permits before a state has an approved implementation plan regulating construction or modification of major stationary source

The Agency will accept public comment on this proposal for 60 days from the date the notice appears in the Federal Register. The proposed regulation is available from EPA's website at http://www.epa.gov/pmdesignations.

1:15 ARB Updates (Dennis Wade)

- **EMFAC update** EMFAC is still under development at ARB; there is no public release date yet. *Question*: Is there anything available regarding Latest Planning Assumptions? not yet, however CARB and federal agencies are continuing to talk. It shouldn't be too much longer before we can talk publicly.
- Regional SIP development updates (N. Calif., So. Calif.) Regions can talk about their SIPs. CARB is doing the modeling for the mountain county SIPs, the northern California group has been meeting regularly.
- **Rail Yard emissions**, and railroad emission issues in general (ARB/RR MOU) The board meeting to consider the railyard MOU was originally today, but has been rescheduled (see handout). The web site contains the most up-to-date information on the railyard program (http://www.arb.ca.gov/railyard/ryagreement/ryagreement.html).

2:00 Status of Transportation and Air Quality Planning in California

- Near Term Air Quality Plans Area Representatives
 - South Coast (Eyvonne) working with SCAG proposals for using 2002 emission runs for new SIP. PM2.5 will be included in new SIP along with other pollutants. Waiting for 3-agency meetings. Moving ahead of schedule. Also waiting on EMFAC2007 to move ahead; willing to help if anything needed to move it ahead.
 - o **San Diego (Carl)** We're proceeding ahead, but the Southern California process is lagging a bit behind the northern California group (waiting to schedule next meeting). Doing 2007 ozone SIP. (Hoping it will be a maintenance plan).
 - San Joaquin (Cari) For 1-hour ozone, the air district is amending the 1hour extreme plan (board adoption in October). EPA has requested that the district update the extreme plan control measures. It's not clear what actions/sanctions could be imposed due to the reconsideration notice. 8 hour plan subject to workshop in October, hoping to have the emission modeling by then (using the gross adjustments from CARB). Starting to talk about control measures and budgets. PM10 plan revision going to be posted next week scheduled for adoption in January. No schedule for development of budgets yet. Next workshop is scheduled for October. EPA recently won the court case on the PM10 plan. CO maintenance plan schedule will help get through the TIP updates and make budgets available for PM2.5 conformity analysis.
 - o **Bay Area** (**Suzanne**) Modeling group is participating in the northern CA working group. Waiting the phase 2 implementation guidance. The Bay Area has just release the 2005 ozone strategy for the state requirements.
 - o **Sacramento** no one present (District meeting today), will be circulating draft EIR for 8-hour ozone ROP SIP later this week.
 - Ventura (Ben) working on the emission inventory for the 8 hour plan with South Coast. Looking at forecasts for VMT. Waiting on 8 hour

- guidance. Need to work out TCM coordination with SCAG, defining committed TCMs.
- Northern Sierra- (Sam) Mountain Counties have developed emission inventory for 8 hour SIPs. Watching CCOS modeling to determine what reductions will be needed. One big issue is the RACT SIP analyzing district rules for meeting RACT. Waiting for 8 hour implementation rule. Planning on doing draft conformity determination in January or February even though it's not due until Summer 2006 (new regionally significant project).

• RTP and TIP Updates and Amendments – Area Representatives

- SJV (Cari) 8 hour ozone conformity has now been approved for the whole Valley. There were some restrictions for SANCOG but those have now been removed. StanCOG will do a TCM substitution setting up it as an example. Draft schedule to have final concurrence from EPA by January or February. Working on PM2.5 conformity analysis interagency boilerplate for consultation (in October). Fresno had a regionally significant amendment approved, have another one coming for adoption in late October. Want all amendments approved before new CO budgets are approved. Initial PM2.5 analysis scheduled to go out for public review in December '05.
- San Diego (Elisa) Working on an update of the 2030 RTP (adopted in 2003). So far working on financial constraint alternative. 3 year clock expires in April 2006. Adoption scheduled for late February. Waiting on the CO budget approval. Will probably include both sets of budget in draft analysis since budgets will be approved while out for public comment.
- SCAG (Ted)—For PM2.5 still exploring how much annual variation we have in VMT. Expecting to use annual average VMT and hope to release in November, have board adopt in February. On the RTP, we've been very interested in guidance on the 4-year cycle and when it could apply. Under the 3-year cycle, conformity will lapse in June of 2007. So will need to adopt update in spring 2007. Would really like to have 4 year cycle apply to current plan so they can incorporate the studies being done currently. RTP guidelines taken to board, still accepting comments will need to finish by October. Draft RTP document for comments by mid-June next year.
- o MTC (Ashley) Adopted plan/TIP in February '05. Working on approach for next TIP amendment
- SACOG not on call regional planning partnership (interagency consultation) meeting today.
- O Question Santa Barbara should they repeal their local conformity rule? Is it enforceable separate from the Federal Rule? The state (CARB) plans to withdraw any previous submissions when submitting new Conformity SIP for each area. Follow-on for next meeting, could we include a section for Caltrans updates on issues.

• (Caltrans Updates)

 CO Protocol update – (Mike) – EMFAC 2002 transition affected the Protocol – so Appendix A quantitative screening methodology cannot be used. Working with UC Davis to update the protocol. Probably won't be finalized until EMFAC2007 is available. If anyone needs to use the quantitative

- screening methodology let us know now so we won't need to update it in the meantime. Many areas (Caltrans statewide) use the document for CEQA even if conformity doesn't apply in the area. FHWA noted a CO paper that summarizes areas across the county using screening methods.
- Construction and Toxics impacts effects on regional planning and projects How these issues handled in their regional planning processes? What kinds of problems are happening? The only place it seems to be addressed regularly is in RTP EIRs. Carl-San Diego There is a CARB handbook which addresses the risk associated with distances from different transportation routes. Mike the document is fairly simplistic for many analyses. SCAG we looked at that issue in the EIR for the RTP.

3:00 Information sharing

- Staff changes, meeting locations, other administrative matters -
 - Any update on El Dorado County? (Shingle Springs Case) Case was appealed. FHWA expecting a ruling before Thanksgiving.
 - Kern COG received letter today regarding the (Caltrans) FTIP (SAFETEA-LU) position paper calling for a joint effort between MPOs on a single position paper regarding the 4 year cycle. Called for other MPOs to join in on joint effort.
 - Question on SAFETEA-LU TCM substitution The schedule for the replacement TCM is to be consistent with existing TCM and the original completion date. What does that mean? EPA directed the person to the EPA TCM substitution guidance. Questions were also raised regarding consistency between SCAG's procedures (under the 1994 approves SIP) vs SAFETEA-LU process (which seems less flexible). Jean indicated that she wanted to check with her HQ. EPA agreed that we need to discuss the issue further. EPA also indicated that the TCM substitution guidance is being updated to reflect SAFETEA-LU.
- Next Meeting / Next year's chair Traditionally meet the 4th Thursday of January, May and September. The next meeting in January will be in Sacramento. The 4th Thursday is January 26th. Caltrans agreed to continue to chair the meeting next year.

3:30 Adjournment

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The latest meeting information can be found at the Statewide Conformity Working Group web site: http://www.dot.ca.gov/hq/env/air/State CWG/CWGindex.htm

Attendance

Los Angeles (SCAG)

Michael Brady
Leann Williams
Caltrans HQ
Caltrans Dist. 7
Cari Anderson
Consulting (San
Joaquin Valley

TPAs)

Arnie Sherwood ITS, UC Berkeley

Mayela Sosa
Grace Balmir
Jean Mazur
FHWA
Ted Harris
Mike Giesen
Eyvonne Sells
South Coast
AQMD

Danielle Kuchman **SJCOG** Elisa Arias SANDAG Rachel Kennedy **SANDAG** Nanaj Marroquin LA MTA Ben Ku LA MTA Herman Cheng LA MTA Ashad Hamideh LA MTA Deng Bang Lee SCAG

Sean Yeung Caltrans Dist. 7
Andy Woods Caltrans Dist. 7
Sylvia Patsaouras SCAG

Andrew Orfila SBCAG
Laleh Modrek Caltrans
Carla Walecka TCA
Ty Schuling SANBAG

Other Phone

Kathy Urlie AMBAG Karina O'Connor US EPA

Oakland (MTC)

Harold Brazil MTC Suzanne Bourguignon BAAQMD David Schonbrun TRANSDEF

San Francisco (EPA Region IX)

Toby Tiktinsky US EPA John Kelly US EPA

Sacramento (Caltrans District 3)

David Ipps
Cathy Gomes
Cattrans HQ
Cathy Gomes
Dennis Wade
Penny Gray
Sam Longmire
Stars Longmire
Caltrans HQ
N. Sierra AQMD

Steve Luxenburg FHWA

Scott Forsythe Caltrans Dist. 3

Stockton (Caltrans District 10)

Sally Rodeman Caltrans Dist. 10 Ken Baxter Caltrans Dist. 10

Fresno (Fresno COG)

Jason Paukovitz Fresno COG

Bakersfield (Kern COG)

Rob Ball Kern COG Vincent Liu Kern COG

San Diego (Caltrans District 11)

Sandy Johnson Caltrans Jaque Clayton Caltrans

Carl Selnick San Diego APCD